IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

CHAMBER SUMMONS No. 1575 of 2005.
IN
SUIT No.3686 of 1990

Mrs. Rakhi Asandas Teckwani
& Ors. Plaintiffs.

V/s.

Mahesh Associates
& Ors. Defendants.

And

Premla Punjabi and others. ..Applicants.

Mr. Shailesh Shah i/b. M.I. Patel for Applicants.

Mr. S. J. Khera for defendant 1 & 2.

Ms. Merlyn Monterio i/b. Defendant No.7.

Mr. D. V. Deokar, 1st Asstt. to Court Receiver present.

CORAM:S.C.DHARMADHIKARI,J.

DATED: 9th August, 2006.

P.C.:-

1] Chamber Summons No.1575 of 2005 was already disposed of by me in as much as the relief of joinder of Applicants as parties to the suit has been granted on 31st July, 2006.

As far as the relief in terms of prayer clause (b) and (c) is concerned, in my view, the Applicants will have to take out appropriate proceedings after they are impleaded as parties to the Suit. Mr. Shah appearing for them, however, requests that to enable the Applicants to do so, the order passed on 21st December,2005 directing the Court Receiver to maintain statusquo be continued.

2] This request is, of course, opposed by Mr. Khera appearing for the Defendant Nos. 1 and 2 and Ms. Monterio appearing for Defendant No.7. In their submission this prayer is of abuse of process of the Court, because the Original Plaintiffs during the appointment of the Court Receiver and property being custodial legis have purported to create third party rights. They are,therefore, submitting that the ad-interim order be not continued any longer and Court Receiver be allowed to take possession.

3] In my view, these contentions would be open for being urged as and when the

Applicants take out appropriate proceedings and apply for ad-interim/interim reliefs in terms thereof. Since the ad-interim order has been continued for a period of nearly eight months, no prejudice would be caused if the same is continued for a further period of eight weeks. Upon expiry of this period said order shall stand vacated forthwith without reference to the Court.

4] Amendment to be carried out within a period of two weeks from today. Copy of amended plaint to be served within two weeks thereafter.

[S.C. DHARMADHIKARI,J]